



www.milwaukee.gov

Office of the City Clerk

Ronald D. Leonhardt
City Clerk

Jim Owczarski
Deputy City Clerk

January 28, 2010

Timmy Wishman
3130 S. 20th St.
#116
Milwaukee, WI 53215

Dear Mr. Wishman:

You are hereby notified that the Milwaukee Common Council will hold a hearing on February 9, 2010, commencing at 9:00 a.m., or as soon thereafter as this matter may be heard, in the Common Council chambers on the third floor of City Hall, 200 East Wells Street, Milwaukee, Wisconsin to consider the renewal of your Class "D" Bartender license.

Attached you will find a copy of the Report of the Licenses Committee, which includes its Findings of Fact, Conclusions of Law and Recommendation, recommending a 10-day suspension of your license based upon a police report. The recommendation is the result of a public hearing before the Committee held on January 26, 2010.

You may file written objections to the report of the Licenses Committee. Your written objections must be filed with the City Clerk by 4:45 p.m. on February 4, 2010 in Room 205 of City Hall. If you file written objections, you or a legal representative may then also appear at the Common Council to make oral arguments supporting your written objections. You will be given approximately five minutes to present your oral argument.

Respectfully,

RONALD D. LEONHARDT
City Clerk

Enclosure



JAMES A. BOHL JR.
Alderman, 5th District

Date: January 29, 2010

To: All Members of the Milwaukee Common Council

From: Licenses Committee

Re: Report on the Renewal Application of the Class "D" Bartender License of Timmy T. Wishman

FINDINGS OF FACT

1. Timmy T. Wishman (hereinafter the "Licensee") is the holder of a Class "D" Bartender License in the City and County of Milwaukee, Wisconsin. Said license expired at midnight, December 31, 2009.
2. An application to renew said license was timely filed with the Office of the City Clerk on October 4, 2009.
3. Pursuant to Chapter 90 of the Milwaukee Code of Ordinances and Chapter 125 of the Wisconsin Statutes, the matter was referred to the Milwaukee Police Department for investigation. On October 5, 2009, the Milwaukee Police Department responded with a police report that could form a basis for non-renewal or suspension of said license.
4. On January 13, 2010, the City Clerk's Office provided timely notice to the Licensee pursuant to Chapter 90 of the Milwaukee Code of Ordinances and Chapter 125 of the Wisconsin Statutes of the report of the Milwaukee Police Department and included therewith a copy of the Milwaukee Police Department report. The matter was scheduled for a hearing on the Police Department report on January 26, 2010, commencing at 2:00 p.m. in Room 301B of City Hall. At said date, time and place, the licensee did appear and he was not represented by counsel.
5. Based upon the sworn testimony heard and the evidence received at the hearing, the Committee finds the following:
 - A. On December 19, 2007, the applicant was charged in Milwaukee County for possession with intent-cocaine, which was amended to possession of cocaine/coca, and two counts possession of cocaine/coca. He was found guilty of all on February 22, 2008 and

sentenced on all counts as follows: his Wisconsin Driver's license was suspended for six months concurrent/house of corrections – imposed and stayed six months; consecutive/probation, sentence imposed 24 months. The applicant is on probation/parole – supervision for possession of cocaine/coca until February 22, 2010.

CONCLUSIONS OF LAW

1. The Committee has jurisdiction to hold hearings and provide Findings of Fact, Conclusions of Law and a Recommendation to the full Common Council pursuant to Chapter 125 of the Wisconsin Statutes and Chapter 90 of the Milwaukee Code of Ordinances.
2. Based on the above facts found, the Committee concludes that the Licensee, Timmy T. Wishman, has not met the criteria of Chapter 125 of the Wisconsin Statutes or Chapter 90 of the Milwaukee Code of Ordinances to allow renewal of the Class "D" Bartender license without undergoing a ten (10) day suspension of said license based upon the police report.
3. In order to protect the health, safety and welfare of the citizens of the City of Milwaukee, it is the recommendation of the Licenses Committee that the full Common Council should exercise its discretion to renew the Class "D" Bartender license held by Timmy T. Wishman with a ten (10) day suspension based upon the police report.

RECOMMENDATION

Based upon the Findings of Fact and Conclusions of Law stated above, the Committee, by a vote of four (4) ayes, zero (0) noes and one (1) excused, recommends that the Class "D" Bartender License be renewed with a ten (10) day suspension based upon the police report.

Said suspension is to be in effect from the date of Common Council action on February 9, 2010, until midnight, February 18, 2010.

Dated and signed at Milwaukee, Wisconsin this 29th day of January, 2010.



JAMES A. BOHL, Jr.
Chair, Licenses Committee



www.milwaukee.gov

Office of the City Clerk

January 28, 2010

Ronald D. Leonhardt
City Clerk

Jim Owczarski
Deputy City Clerk

Laura Jacobson
6130 W. Stevenson St.
Milwaukee, WI 53213

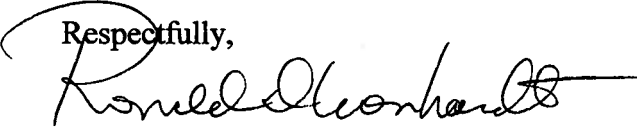
Dear Ms. Jacobson:

You are hereby notified that the Milwaukee Common Council will hold a hearing on February 9, 2010, commencing at 9:00 a.m., or as soon thereafter as this matter may be heard, in the Common Council chambers on the third floor of City Hall, 200 East Wells Street, Milwaukee, Wisconsin to consider the renewal of your Class "D" Bartender license.

Attached you will find a copy of the Report of the Licenses Committee, which includes its Findings of Fact, Conclusions of Law and Recommendation, recommending a 20-day suspension of your license based upon a police report. The recommendation is the result of a public hearing before the Committee held on January 26, 2010.

You may file written objections to the report of the Licenses Committee. Your written objections must be filed with the City Clerk by 4:45 p.m. on February 4, 2010 in Room 205 of City Hall. If you file written objections, you or a legal representative may then also appear at the Common Council to make oral arguments supporting your written objections. You will be given approximately five minutes to present your oral argument.

Respectfully,


RONALD D. LEONHARDT
City Clerk

Enclosure



JAMES A. BOHL JR.
Alderman, 5th District

Date: January 29, 2010

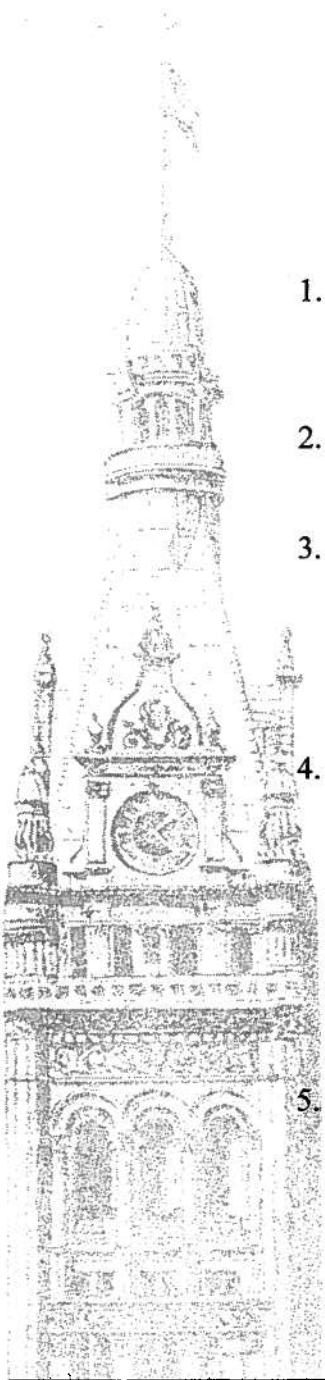
To: All Members of the Milwaukee Common Council

From: Licenses Committee

Re: Report on the Renewal Application of the Class "D"
Bartender License of Laura J. Jacobson

FINDINGS OF FACT

1. Laura J. Jacobson (hereinafter the "Licensee") is the holder of a Class "D" Bartender License in the City and County of Milwaukee, Wisconsin. Said license expired at midnight, December 31, 2009.
2. An application to renew said license was timely filed with the Office of the City Clerk on September 30, 2009.
3. Pursuant to Chapter 90 of the Milwaukee Code of Ordinances and Chapter 125 of the Wisconsin Statutes, the matter was referred to the Milwaukee Police Department for investigation. On October 1, 2009, the Milwaukee Police Department responded with a police report that could form a basis for non-renewal or suspension of said license.
4. On January 13, 2010, the City Clerk's Office provided timely notice to the Licensee pursuant to Chapter 90 of the Milwaukee Code of Ordinances and Chapter 125 of the Wisconsin Statutes of the report of the Milwaukee Police Department and included therewith a copy of the Milwaukee Police Department report. The matter was scheduled for a hearing on the Police Department report on January 26, 2010, commencing at 2:00 p.m. in Room 301B of City Hall. At said date, time and place, the licensee did appear and she was not represented by counsel.
5. Based upon the sworn testimony heard and the evidence received at the hearing, the Committee finds the following:
 - A. The applicant has the following convictions on her Wisconsin driver's license:



8/31/93 Operating auto while intoxicated
Langlade County Circuit Court

1/28/09 Operating while intoxicated (1st)
Muskego Municipal Court

- B. On May 26, 2009, the applicant was cited by Milwaukee Police for sale of alcohol to underaged person and found guilty on July 15, 2009 and fined \$160.00.

CONCLUSIONS OF LAW

1. The Committee has jurisdiction to hold hearings and provide Findings of Fact, Conclusions of Law and a Recommendation to the full Common Council pursuant to Chapter 125 of the Wisconsin Statutes and Chapter 90 of the Milwaukee Code of Ordinances.
2. Based on the above facts found, the Committee concludes that the Licensee, Laura J. Jacobson, has not met the criteria of Chapter 125 of the Wisconsin Statutes or Chapter 90 of the Milwaukee Code of Ordinances to allow renewal of the Class "D" Bartender license without undergoing a twenty (20) day suspension of said license based upon the police report.
3. In order to protect the health, safety and welfare of the citizens of the City of Milwaukee, it is the recommendation of the Licenses Committee that the full Common Council should exercise its discretion to renew the Class "D" Bartender license held by Laura J. Jacobson with a twenty (20) day suspension based upon the police report.

RECOMMENDATION

Based upon the Findings of Fact and Conclusions of Law stated above, the Committee, by a vote of three (3) ayes and two (2) noes, recommends that the Class "D" Bartender License be renewed with a twenty (20) day suspension based upon the police report.

Said suspension is to be in effect from the date of Common Council action on February 9, 2010 until midnight, February 28, 2010.

Dated and signed at Milwaukee, Wisconsin this 29th day of January, 2010.



JAMES A. BOHL, Jr.
Chair, Licenses Committee



www.milwaukee.gov

Office of the City Clerk

Ronald D. Leonhardt
City Clerk

Jim Owczarski
Deputy City Clerk

January 28, 2010

Roger Gordon
P.O. Box 76155
Milwaukee, WI 53216


Dear Mr. Gordon:

You are hereby notified that the Milwaukee Common Council will hold a hearing on February 9, 2010, commencing at 9:00 a.m., or as soon thereafter as this matter may be heard, in the Common Council chambers on the third floor of City Hall, 200 East Wells Street, Milwaukee, Wisconsin to consider the renewal of your Class "D" Bartender license.

Attached you will find a copy of the Report of the Licenses Committee, which includes its Findings of Fact, Conclusions of Law and Recommendation, recommending the renewal of your license with a 10-day suspension based upon a police report contingent upon proof of payment or of a payment arrangement for the outstanding fines owed the city being provided to the License Division by Friday, February 5th. The recommendation is the result of a public hearing before the Committee held on January 26, 2010.

You may file written objections to the report of the Licenses Committee. Your written objections must be filed with the City Clerk by 4:45 p.m. on February 4, 2010 in Room 205 of City Hall. If you file written objections, you or a legal representative may then also appear at the Common Council to make oral arguments supporting your written objections. You will be given approximately five minutes to present your oral argument.

Respectfully,


RONALD D. LEONHARDT
City Clerk

Enclosure



JAMES A. BOHL JR.
Alderman, 5th District

Date: January 29, 2010

To: All Members of the Milwaukee Common Council

From: Licenses Committee

Re: Report on the Renewal Application of the Class "D"
Bartender License of Roger C. Gordon

FINDINGS OF FACT

1. Roger C. Gordon (hereinafter the "Licensee") is the holder of a Class "D" Bartender License in the City and County of Milwaukee, Wisconsin. Said license expired at midnight, December 31, 2009.
2. An application to renew said license was untimely filed with the Office of the City Clerk on January 4, 2010.
3. Pursuant to Chapter 90 of the Milwaukee Code of Ordinances and Chapter 125 of the Wisconsin Statutes, the matter was referred to the Milwaukee Police Department for investigation. On January 6, 2010, the Milwaukee Police Department responded with a police report that could form a basis for non-renewal or suspension of said license.
4. On January 13, 2010, the City Clerk's Office provided timely notice to the Licensee pursuant to Chapter 90 of the Milwaukee Code of Ordinances and Chapter 125 of the Wisconsin Statutes of the report of the Milwaukee Police Department and included therewith a copy of the Milwaukee Police Department report. The matter was scheduled for a hearing on the Police Department report on January 26, 2010, commencing at 1:45 p.m. in Room 301B of City Hall. At said date, time and place, the licensee did appear and he was not represented by counsel.
5. Based upon the sworn testimony heard and the evidence received at the hearing, the Committee finds the following:
 - A. On September 5, 2006, the applicant was cited by Milwaukee Police for operating without a license and found

guilty on October 25, 2006 and fined \$109.00. The applicant was cited for non-registration of vehicle and found guilty on October 25, 2006 and fined \$83.80.

- B. On March 25, 2008, the applicant was cited by Milwaukee police for operating without carrying a license and found guilty on May 14, 2008 and fined \$109.00.
- C. On December 30, 2008, the applicant was cited by Milwaukee Police for violating red traffic light and found guilty on February 18, 2009 and fined \$83.80. The applicant was also cited for vehicle operator failure to wear seatbelt and found guilty and fined \$10.00 on February 18, 2009.
- D. On January 16, 2009, the applicant was cited by Milwaukee Police for possession of marijuana and found guilty on March 11, 2009 and fined \$367.00.
- E. On February 19, 2009, the applicant was cited by Milwaukee Police for failure to obey traffic officer/signal and found guilty on April 15, 2009 and fined \$83.80, payable by January 20, 2010.
- F. On August 31, 2009, the applicant was cited by Milwaukee Police for interfering with traffic sign/signal and found guilty on October 22, 2009 and fined \$83.80. The applicant was also cited for operating without carrying license and found guilty on October 22, 2009 and fined \$109.00, payable by January 20, 2010.
- G. The licensee currently owes \$192.80, which was payable by January 20, 2010.

CONCLUSIONS OF LAW

1. The Committee has jurisdiction to hold hearings and provide Findings of Fact, Conclusions of Law and a Recommendation to the full Common Council pursuant to Chapter 125 of the Wisconsin Statutes and Chapter 90 of the Milwaukee Code of Ordinances.
2. Based on the above facts found, the Committee concludes that the Licensee, Roger C. Gordon, has not met the criteria of Chapter 125 of the Wisconsin Statutes or Chapter 90 of the Milwaukee Code of Ordinances to allow renewal of the Class "D" Bartender license

without undergoing a ten (10) day suspension of said license based upon the police report, with the proviso that arrangement for payment of the outstanding fines is made on or before Friday, February 5, 2010.

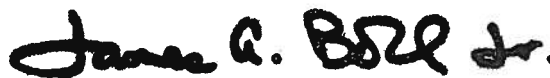
3. In order to protect the health, safety and welfare of the citizens of the City of Milwaukee, it is the recommendation of the Licenses Committee that the full Common Council should exercise its discretion to renew the Class "D" Bartender license held by Roger C. Gordon with a ten (10) day suspension based upon the police report, and that provision be made for paying the outstanding fines by Friday, February 5, 2010.

RECOMMENDATION

Based upon the Findings of Fact and Conclusions of Law stated above, the Committee, by a vote of four (4) ayes, zero (0) noes and one (1) excused, recommends that the Class "D" Bartender License be renewed with a ten (10) day suspension based upon the police report, and provision being made for payment of outstanding fined by Friday, February 5, 2010.

Said suspension is to be in effect from the date of Common Council action on February 9, 2010 until midnight, February 18, 2010.

Dated and signed at Milwaukee, Wisconsin this 29th day of January, 2010.



JAMES A. BOHL, Jr.
Chair, Licenses Committee



www.milwaukee.gov

Office of the City Clerk

Ronald D. Leonhardt
City Clerk

Jim Owczarski
Deputy City Clerk

January 29, 2010

Saleh Salem, Agt.
Sal & Sal Group, LLC
3776 S. 25th St.
Milwaukee, WI 53221

Atty. Othman Atta
6004 West Howard Avenue
Milwaukee, Wisconsin 53220

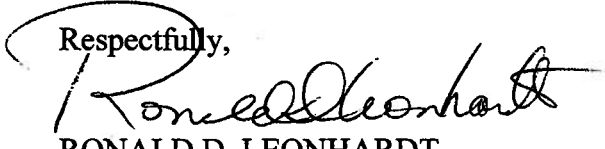
Dear Mr. Salem and Atty. Atta:

You are hereby notified that the Milwaukee Common Council will hold a hearing on February 9, 2010, commencing at 9:00 a.m., or as soon thereafter as this matter may be heard, in the Common Council chambers on the third floor of City Hall, 200 East Wells Street, Milwaukee, Wisconsin to consider the renewal of the Class "B" Tavern and Tavern Dance licenses for the premises at 430 S. 2nd St. ("Club Fuego").

Attached you will find a copy of the Report of the Licenses Committee, which includes its Findings of Fact, Conclusions of Law and Recommendation, recommending renewal of the licenses with a 10-day suspension based on neighborhood testimony and a partial police report. The recommendation is the result of a public hearing before the Committee held on January 26, 2010.

You may file written objections to the report of the Licenses Committee. Your written objections must be filed with the City Clerk by 4:45 p.m. on February 4, 2010 in Room 205 of City Hall. If you file written objections, you or a legal representative may then also appear at the Common Council to make oral arguments supporting your written objections. You will be given approximately five minutes to present your oral argument.

Respectfully,



RONALD D. LEONHARDT
City Clerk

Enclosure



JAMES A. BOHL JR.
Alderman, 5th District

Date: January 29, 2010

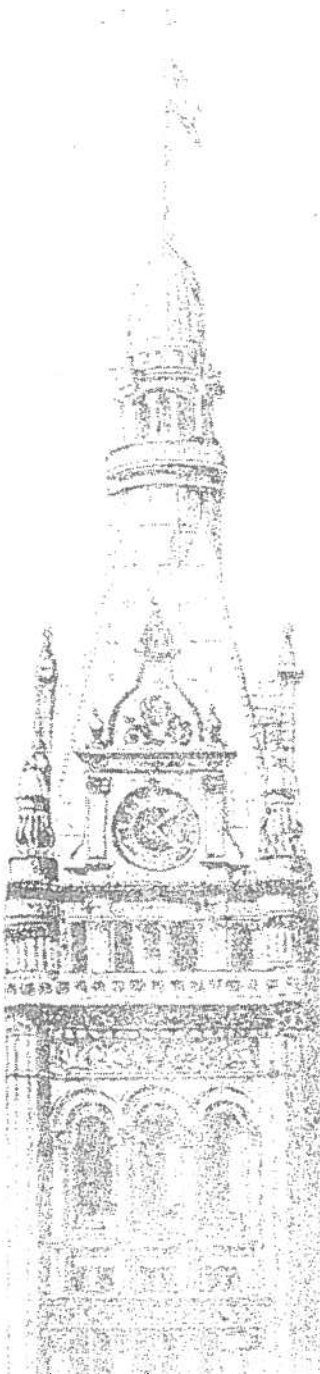
To: All Members of the Milwaukee Common Council

From: The Licenses Committee

Re: Report of the Renewal Application of Saleh M. Salem, agent for Sal and Sal Group, LLC, for Class "B" Tavern and Tavern Dance licenses for the premises located at 430 South 2nd Street in the City and County of Milwaukee, Wisconsin ("Club Fuego").

FINDINGS OF FACT

1. Saleh M. Salem (hereinafter the "Licensee") is the holder of a Class "B" Tavern and Tavern Dance licenses for the premises located at 430 South 2nd Street in the City and County of Milwaukee, Wisconsin ("Club Fuego"). Said licenses expire at midnight, February 25, 2010.
2. Applications to renew said licenses were timely filed with the Office of the City Clerk on December 9, 2009.
3. Pursuant to Chapter 90 of the Milwaukee Code of Ordinances and Chapter 125 of the Wisconsin Statutes, the matter was referred to the Milwaukee Police Department for investigation. The Milwaukee Police Department responded with a report that could form the basis of non-renewal or suspension of this license on December 15, 2009. In addition, there were also claimed neighborhood objections to loitering, littering, loud music and noise, parking and traffic problems, drug and criminal activity, prostitution, trespassing, public urination, fights, shootings, vandalism, thefts, operation of the premises in such a manner that it creates a public nuisance, intoxicated employees, parking on private property, damage to private property, allowing patrons to exit the premises with alcohol, causing the normal flow of traffic on roadways to be impeded, neighborhood problems due to mismanagement, disorderly patrons, late night disturbances, excessive use of police resources, cruising, congregating and dancing on cars, squealing tires, racing vehicles, sales to



intoxicated persons, and conduct which is detrimental to the health, safety and welfare of the neighborhood.

4. On January 14, 2010, the City Clerk's Office provided notice to the Licensee pursuant to Chapter 90 of the Milwaukee Code of Ordinances and Chapter 125 of the Wisconsin Statutes of the police report that could form the basis for nonrenewal or suspension and the neighborhood objections and included a copy of the police report. The matter was scheduled for a hearing on the police report and neighborhood objections on January 26, 2010 at 3:00 p.m. in Room 301B of the third floor of City Hall. At said date, time and place, the licensee did appear and admitted receipt of the notice, and he was represented by Attorney Othman Atta, 6004 West Howard Avenue, Milwaukee, Wisconsin 53220.
5. Based upon the sworn testimony heard and the evidence received at the hearing, the Committee finds the following:

This item was previously reported, the disposition now added on 12/10/09:

- A. On November 23, 2008 at 2:00 a.m., officers of the Milwaukee Police Department observed patrons leaving Club Fuego who appeared to underage. Field interviews were conducted and officers found that two patrons were under the age of 21. While being interviewed, one patron stated she entered the club and that the doorman did not ask her for any ID. This patron further stated she did not have anything to drink and that she was just dancing. Police spoke to the licensee, Saleh Salem, who stated everyone is carded when they enter the business and that he thought she may have had a fake ID. Police attempted to view surveillance film regarding this incident but the system was not working properly. Both the patron and Salem were issued citations for presence of minor/underage which were dismissed without prejudice on October 19, 2009.
- B. On March 10, 2009 at 4:47 a.m., officers of the Milwaukee Police Department were dispatched to 2563 South 7th Street for a battery complaint. The investigation revealed that a fight occurred outside the bar between patrons at bar close. All actors involved were gone upon police arrival. The owner of the bar was not on scene and officers left a message on the owner's phone regarding this incident.
- C. On April 18, 2009 at 2:46 a.m., officers of the Milwaukee

Police Department were dispatched to St. Luke's Hospital for a battery/cutting complaint. Officers spoke to the victim who stated she was stabbed multiple times by a known female. Investigation revealed the victim was inside the Club Fuego tavern when she passed a known female and words were exchanged. They both began fighting with security breaking up the fight. Security had one patron leave the bar with the other leaving 20 minutes later. The first patron was outside waiting for the other and the two began fighting again. It was learned that the victim was holding a knife while fighting and ended up cutting herself on the hand in the process. Both patrons were ordered into the District Attorney's office to have this case reviewed. No charges were issued.

- D. On October 8, 2009 at 11:40 p.m., officers of the Milwaukee Police Department conducted a licensed premise check at 430 South 2nd Street. Officers spoke to Saleh Salem and no tavern violations were found. While there, officers did receive a complaint of possible underage patrons, which was found to be baseless.
- E. Objecting neighbors testified to increased litter since the tavern has been opened and operating. At least two of the objecting neighbors also testified to patrons exiting the tavern and urinating on adjoining properties. These neighbors have also seen people coming up in cars at closing time and seeing individuals drinking in their cars in front of the tavern. Some of the neighbors testified to fights occurring between patrons at closing time. The security person for the licensee testified that he has not seen public urination and that the security forces actively try to move patrons along at closing time. The security person for the tavern did testify to altercations occurring between patrons at closing, but that the security personnel are immediately involved and stopping the activity.
- F. One individual was driving past the tavern on two occasions on one evening and saw patrons from the bar crossing the street to a parking lot and stopping traffic. When that person blew the horn of his car the patrons gave a threatening gesture.
- G. In response, the licensee testified that he has fourteen security persons outside at closing time. The licensee, through his security person, testified that the security

persons do not let patrons "hang out" in the street, but did admit that they cross the street and in the process may stop traffic briefly.

- H. A number of individuals who are business neighbors testified in support of renewal of this license, testifying that they had not personally incurred any problems with the tavern, and that they believed the tavern was an improvement for the neighborhood.

CONCLUSIONS OF LAW

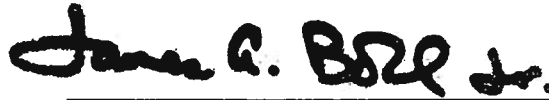
1. The Committee has jurisdiction to hold hearings and provided Findings of Fact and Conclusions of Law and a Recommendation to the full Common Council pursuant to Chapter 125 of the Wisconsin Statutes and Chapter 90 of the Milwaukee Code of Ordinances.
2. Based upon the above facts found, the Committee concludes that the licensee, Saleh M. Salem, who holds Class "B" Tavern and Tavern Dance licenses for the premises located at 430 South 2nd Street in the City and County of Milwaukee, Wisconsin ("Club Fuego"), has not met the criteria of Chapter 90 of the Milwaukee Code of Ordinances or Chapter 125 of the Wisconsin Statutes to allow renewal of his Class "B" Tavern and Tavern Dance licenses without undergoing a ten (10) day suspension of said licenses, based upon the incident dated April 18, 2009 in the police report and neighborhood objections. The Committee finds the incident dated April 18, 2009 in the police report, and the neighborhood objections, as stated above, to be true.
3. In order to protect the health, safety and welfare of the citizens of the City of Milwaukee, it is the recommendation of the Licenses Committee that the full Common Council of the City of Milwaukee should exercise its judgment to renew the Class "B" Tavern and Tavern Dance licenses of Saleh M. Salem for the premises located at 430 South 2nd Street in the City and County of Milwaukee, Wisconsin ("Club Fuego") with a ten (10) day suspension based upon the incident dated April 18, 2009 in the police report and neighborhood testimony.

RECOMMENDATION

Based upon the Findings of Fact and Conclusions of Law stated above, the Committee, by a vote of four (4) ayes and one (1) no, recommends that the Class "B" Tavern and Tavern Dance licenses held by Saleh M. Salem for the premises located at 430 South 2nd Street in the City and County of Milwaukee, Wisconsin ("Club Fuego") be renewed with a ten (10) day suspension based on the incident dated April 18, 2009 in the police report and on neighborhood testimony.

Said suspension is to be in effect between 12:01 a.m., February 26, 2010 through midnight, March 7, 2010.

Dated and signed at Milwaukee, Wisconsin this 29th day of January, 2010.

A handwritten signature in black ink that reads "James A. Bohl, Jr." with a stylized flourish at the end.

JAMES A. BOHL, Jr.
Chair, Licenses Committee



www.milwaukee.gov

Office of the City Clerk

January 25, 2010

Ronald D. Leonhardt
City Clerk

Jim Owczarski
Deputy City Clerk

Devon Reid, Agent
Questions, Inc.
4629 W. Fond du Lac Ave.
Milwaukee, WI 53216

Atty. David Halbrooks
Atty. Matt Lerner
5027 W. North Ave.
Milwaukee, WI 53208

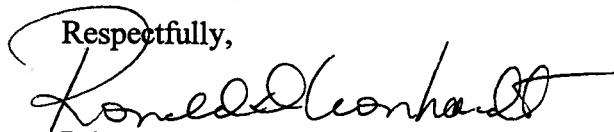
Dear Mr. Reid and Messrs. Lerner and Halbrooks:

You are hereby notified that the Milwaukee Common Council will hold a hearing on February 9, 2010, commencing at 9:00 a.m., or as soon thereafter as this matter may be heard, in the Common Council chambers on the third floor of City Hall, 200 East Wells Street, Milwaukee, Wisconsin to consider the renewal of the Class "B" Tavern and Tavern Amusement (Cabaret/Nite Club) licenses for the premises at 3041 W. North Ave. ("Questions").

Attached you will find a copy of the Report of the Licenses Committee, which includes its Findings of Fact, Conclusions of Law and Recommendation, recommending renewal of the licenses with a 15 day suspension based on a police report and on testimony of the police department and of the alderman's office. The recommendation is the result of a public hearing before the Committee held on January 19, 2010.

You may file written objections to the report of the Licenses Committee. Your written objections must be filed with the City Clerk by 4:45 p.m. on February 4, 2010 in Room 205 of City Hall. If you file written objections, you or a legal representative may then also appear at the Common Council to make oral arguments supporting your written objections. You will be given approximately five minutes to present your oral argument.

Respectfully,



RONALD D. LEONHARDT
City Clerk

Enclosure



JAMES A. BOHL JR.

Alderman, 5th District

Date: January 25, 2010

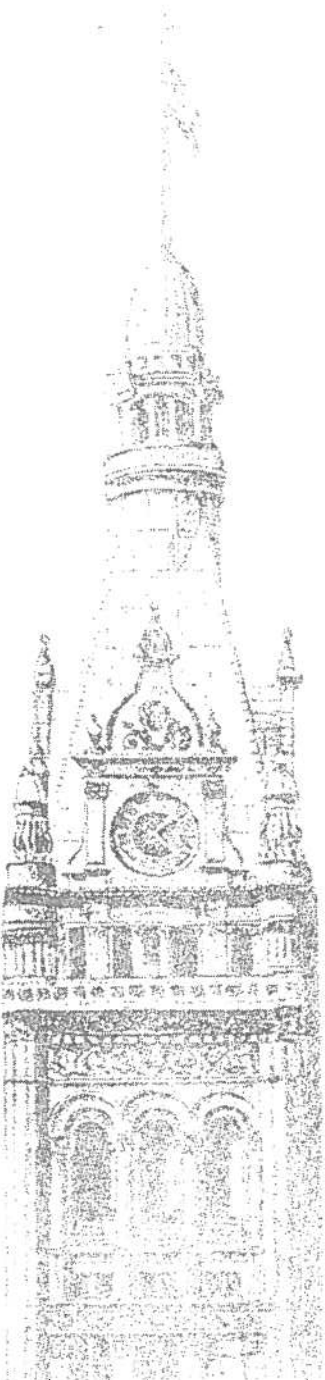
To: All Members of the Milwaukee Common Council

From: The Utilities and Licenses Committee

Re: Report of the Renewal Applications of Devon L. Reid, agent for "Questions, Inc.", for Class "B" Tavern and Tavern Amusement (Cabaret/Nite Club) licenses for the premises located at 3041 West North Avenue in the City and County of Milwaukee, Wisconsin ("Questions Entertainment").

FINDINGS OF FACT

1. Devon L. Reid (hereinafter the "Licensee"), agent for "Questions, Inc.", is the holder of Class "B" Tavern and Tavern Amusement (Cabaret/Nite Club) licenses for the premises located at 3041 West North Avenue in the City and County of Milwaukee, Wisconsin ("Questions Entertainment"). Said licenses expire at midnight, February 9, 2010.
2. Applications to renew said licenses were filed with the Office of the City Clerk on November 16, 2009.
3. Pursuant to Chapter 90 of the Milwaukee Code of Ordinances and Chapter 125 of the Wisconsin Statutes, the matter was referred to the Milwaukee Police Department for investigation. The Milwaukee Police Department responded with a report that could form the basis of non-renewal or suspension of this license on December 21, 2009. There were also claimed neighborhood objections to racing and loud vehicles, loud music and noise, loitering, littering, illegal drug activity, cruising, fighting, prostitution, drunkenness, public urination, trespassing, vandalism, damage to private property, parking on public property, disturbing the peace, causing the normal flow of traffic on roadways to be impeded, excessive and inappropriate use of police resources, neighborhood problems due to mismanagement, endangering safety by exceeding capacity, premises is operated in such a manner that it causes a public nuisance, and conduct which is detrimental to the



health, safety and welfare of the neighborhood. No neighbors, however, appeared in opposition to the renewal of this license.

4. On January 8, 2010, the City Clerk's Office provided notice to the Licensee pursuant to Chapter 90 of the Milwaukee Code of Ordinances and Chapter 125 of the Wisconsin Statutes of the police report that could form the basis for nonrenewal or suspension and the neighborhood objections and included a copy of the police report. The matter was scheduled for a hearing on the police report on January 20, 2010 at 10:30 a.m. in Room 301B of the third floor of City Hall. At said date, time and place, the licensee appeared at the hearing and was represented by, Attorney David Halbrooks and Attorney Mathew Lerner, both of Maistelman and Associates, 5027 West North Avenue, Milwaukee, Wisconsin 53208.

5. Based upon the sworn testimony heard and the evidence received at the hearing, the Committee finds the following:

A. On January 18, 2009 at 12:33 a.m., officers were flagged down by security officers for Questions Night Club at 3041 W. North Ave. The security officers stated that a fight broke out inside of the club and that one subject continued to be disruptive. The security officers sprayed this subject with pepper spray and handcuffed him. This subject was arrested on a warrant and cited for Disorderly Conduct.

B. On 02/18/09 at 1:02 a.m., an officer was in the vicinity of Questions Night Club at 3041 W. North Ave, issuing parking citations to illegally parked vehicles. The officer heard squads being dispatched to a battery complaint at Questions and responded to the location.

Investigation revealed there was an argument involving a group of women. The applicant stated that the parties involved in the argument were escorted out separately and that they held one party inside to wait for the other party to leave. While parties were outside, the argument resumed and one woman punched another woman. The applicant attempted to locate the video surveillance of the incident but was unable to do so at the time. The applicant stated he would check the video camera angles to see if he could find the footage.

On 02/18/09 at 7:43 p.m., the officer picked up the video footage from the applicant. The officer was unable to see the argument inside or the fight outside. The officer was

able to see two of the involved persons being escorted out by security followed by two more leaving on their own only a few moments later, contrary to the statements of the applicant.

One of the subjects involved was charged with Substantial Battery as the victim received a laceration near her eye requiring 16 stitches. 34 parking citations were issued to illegally parked vehicles.

- C. On June 10, 2009 at 1:30 a.m., an officer of the Milwaukee Police Department was in the area of Questions Night Club, 3041 W. North Ave., when he observed several people fighting at the intersection of N. 31 St. and W. Garfield Ave. The officer ordered the subjects to disperse, at which time all but two subjects complied. The officer observed one subject punch another in the face. The officer spoke to the two subjects who stated that they had just come from Questions when an argument started between the two, leading to the physical altercation.

Later on June 10, 2009, an officer and a sergeant performed a follow up investigation regarding the incident. The officers spoke to the licensee, Devon Reid, who was advised of the incident. Officers requested to view the business' ID computer, which scans the patrons IDs prior to entry. Reid stated that the computer would show the last dates on which the subjects who were involved in the incident were at the establishment. The computer revealed that neither subject was at the establishment on the date of the incident.

Officers do have knowledge from past incidents that patrons are allowed to enter the premises without having their IDs scanned when they arrive with the performing artist as their guests or acting as the stage crew. However, at hearing on January 19, 2010, the licensee denied that any of the individuals were entertainers or affiliated with entertainers since the club did not have entertainment on the evening in question.

- E. For the next item, the Milwaukee Police Department incorporated the actual text of the PA-33E, dated October 31, 2009, and attached CAD reports. The narrative of the PA-33 is as follows:

This report is written by P.O. Joseph Duncan, assigned to District 3, Early Shift. On Tuesday, November 3, 2009 I, P.O. Duncan, was instructed by Sgt. Armon to file a tavern report regarding the events surrounding Questions Night Club, October 31, and November 1, 2009.

On Saturday, October 31, 2009, beat squad 3226 (P.O. Joseph Duncan and P.O. Ashley Porubsky), while walking in the 2000 block of North 32nd Street, were flagged down for a trouble with subject complaint at 2008 North 32nd Street. This location is in the city and county of Milwaukee. A woman stated that she lives in the 200 block of North 32nd Street. She stated that she observes traffic congestion around her home several times per week. She also stated that this occurs as a result of Questions Night Club, 3041 West North Avenue. The woman stated that whenever there is an event at Questions Night Club she hears vehicles squealing their tires, and observes subjects littering and smoking illegal drugs out of the vehicles. She stated that she called police in the past and subjects involved are observed leaving the area prior to police response. Questions Night Club is approximately two blocks north of the woman's home. Officers mailed her city and county representative information pertaining to her residence.

Squad 3226 then proceeded northbound to 3100 West North Avenue. The following is a summary of documented events broadcasted to emergency operators and witnessed by members of the Milwaukee Police Force. One would have to read all the CAD call history to appreciate the details it contains.

At approximately 10:13 p.m., Squad 3226 reports a large crowd at Questions Night Club. Metro Private Police Security is observed swinging traffic on North 32nd Street and West North Avenue. This street was not closed by permit. Squad 3226 requested a supervisor regarding and notified Acting Lieutenant Sgt. Armon by phone.

At approximately 10:28 p.m., another anonymous caller reports males in a vehicle with guns. Caller states subjects are on top of the cars, swearing at people, and riding around in the middle of the street at North 32nd Street and West North Avenue.

Around 10:49 p.m., an anonymous caller reports a lot of cars at location and females are flashing (exposing breast) for money. There were also numerous calls for complaints regarding the cruising that was occurring around Questions Night Club.

Squad 3226 (P.O. Porubsky and I) squad 3290, 3251, 3233, 3240, 3423, 3422, 3241 and Sergeant Braunreiter, squad 3213, responded regarding trouble with subject complaints, subject with gun, traffic hazard, and shots fired complaint within the close area of 3041 West North Avenue.

At 10:45 p.m., I, P.O. Duncan, while across the street from Question's Night Club, observed a crowd of approximately 500 people gathering at the southwest main entrance. I then observed the crowd; beginning at the front of the line and individuals from inside of the club, start frantically attempting to get through the crowd to the end. A surge of multiple individuals climbed a chain link fence instead of attempting to get through the crowd, because no one was moving. Other individuals were pushing and shoving people in order to get out. It was the actions of unknown individuals spraying O.C. (Oleoresin Capsicum) into the crowd that caused the frantic fleeing of individuals.

After the incident, at approximately 10:50 p.m.; a black female victim called police stating that she was "maced" by security. Upon arrival to her location, we observed her vomiting on the sidewalk and she was unable to stand. Curtis Ambulance treated her.

Metro Police Security Officer Nermin Brdarevic stated that an unknown security officer employed by Questions Night club sprayed what he believed to be "mace," into the crowd and in his face. Brdarevic was also treated by Curtis ambulance. Brdarevic stated that he was told by supervisor Luis E. Cruz, Jr. not to use O.C. or unholster it from his belt. Cruz stated that he gave this instruction to his employees prior to starting work at Questions and none of his officers were involved in the incident.

At approximately 10:52 p.m., an anonymous caller stated that there is a large crowd of people and vehicles driving around and hanging out of the windows in their vehicles. Numerous subjects observed car surfing, hanging out of cars all related to cruising complaints in the area. Patrols

and Neighborhood Task Force closed traffic eastbound on West North Avenue at North 35th Street, westbound on West North Avenue at North 30th Street, and closed all traffic in the 2200 block of North 31st Street.

While on scene, Squad 3226, P.O. Porubsky, observed subjects waving and throwing money out of car windows. She observed several vehicles swerve towards her and then swerve back into traffic in order to revoke an action. P.O. Porubsky stated that subjects were yelling, "fuck the police!" to her and to other uniform officers, including Sergeant Braunreiter. P.O. Porubsky stated that while she was attempting to direct traffic, a subject in a vehicle that was passing by leaned out of the passenger window and stated to her "I'm going to shoot you." P.O. Porubsky stated that she attempted to get the plate number but was unable to do so with the multitude of vehicles and civilians. P.O. Porubsky stated that she observed several subjects smoking weed, but as we were the first ones on scene was unable to detain because of span of control. On several times during the night before North Avenue was shut down, traffic was at a stand still. No one moved even when ordered by the police. Squad 3290 (P.O. Clark and P.O. Johnson) was blocking traffic westbound on North Avenue from 32nd Street and they stated that a subject almost hit them, swerving towards the wagon and the officers as if they were playing the game "chicken."

I (P.O. Duncan) observed several individuals engaged in unlawful activity regarding "car surfing," which is an activity where an individual rides unrestrained on the body of the car, while it is in motion. While on scene, an unknown individual threw a loose piece of concrete towards the direction of uniformed police officers, which struck the ground near Sergeant Braunreiter and myself. It was unknown who threw the concrete because of the mass of people.

At approximately 11:30 p.m. Squad 3241, P.O. Gaulke arrested Labritny Scott outside 3041 West North Avenue, Questions Night Club for failure to adhere to a lawful legal order of a uniformed supervisor to leave the area. Scott was cited for 105-138-2 resist/obstruct an officer and was released at District 3.

Questions Night Club failed (sic) in the operation of the

tavern in such a manner that it constitutes a nuisance and permitted conduct that has a substantial adverse effect on the health, safety or convenience and prosperity of the immediate neighborhood. Questions Night Club poor event planning and security staff lead to numerous nuisances, which disturbed the comfort, quiet, and repose of neighborhood. It created a traffic hazard for citizens traveling in the area, and created a serious danger and disregard for human life.

- F. At hearing on January 19, 2010, the licensee stated that the crowd of Questions Night Club on Halloween was one that "got away from them," because they showed up at 7:30 p.m., well before the club opened and was ready for full operation. Mr. Reid testified that he and his staff are constantly "adjusting" to keep up with the activities of his clientele.
- G. On November 7, 2009, at approximately 12:30 a.m., officers were monitoring and videotaping the closing of an underage event at Questions Night Club, 3041 W. North Ave.

As the crowd dispersed to their vehicles, a large number of vehicles began to cruise in the area between N. 30th St. to N. 35th St. and W. Brown St. to W. North Ave. Officers observed a female driver that was stopped four cars back from the intersection on N. 32nd St. at a red traffic signal, enter towards oncoming traffic. An officer had to perform evasive braking maneuvers to avoid a collision with the female. The female stated to the officers, "I'm sorry, I just want to get out of here, we just came from Questions Night Club and we want to get home."

As officers began to disperse the cruisers, one officer followed the vehicles to the Pick 'N Save parking lot at 2355 N. 35th St. When the officer arrived at the parking lot, he observed the entire parking lot filled with vehicles, the majority of them which were earlier parked in the immediate area of Questions. He observed people dancing on the roofs and hoods of the vehicles. The officer called for more squads due to the extremely large disorderly crowd and traffic congestion. Officers estimated the number of vehicles at over 100.

Upon seeing the marked, uniformed squad car, the vehicles immediately began to disperse westbound on W. Meinecke St. The vehicles created a traffic hazard and stopped traffic throughout the area of N. 35th St. to N. 41st St., W. Meinecke St. to W. Center St.

Officers observed a large number of vehicles with occupants yelling, hanging from vehicle window and doors, and dancing on the vehicles hoods.

Officers observed one vehicle-to have all occupants, including the driver, hanging out of the doors and windows, yelling and waving their arms, and traveling on the wrong side of the road in the 3700 block of W. Meinecke. Their actions causing a disturbance and congesting traffic further. The officers cited the occupants of this vehicle who stated that they had just come from Questions and that this is a normal thing (cruising) to do after the club lets out. They further stated that they all do this to have a good time, and police should not make a big deal of this.

Nine officers spent over one hour of time dealing with the crowd.

- G. On November 18, 2009, at approximately 1:36 a.m., officers were in the area of Questions Night Club at 3041 W. North Ave. The officers were eastbound on W. Garfield Ave. approaching the intersection of N. 31st St. when several of Questions' Security Guards began yelling at their squad and pointing southbound on N. 31st St. At the same time as they approached the corner, they heard 7-8 loud gun shots coming directly from the south of their location. The security guards then began yelling at them, "It was the green van, the green van!"

Officers turned the corner and observed several vehicles pulling away at a high rate of speed, including a large full size green van. The officers activated their emergency lights and were able to stop the vehicle at N. 31st St. and W. Lloyd St. It was now that the occupants began to yell out of the window that they were shot.

Initially, all subjects stated that they were leaving Questions tavern and while inside of the vehicle, they were attempting to navigate through the traffic congestion when

other subjects began arguing in front of their vehicle. They then stated that several shots were fired into their vehicle resulting in the gunshot wounds to two subjects. None of the occupants of the vehicle were willing to give a description of the actor that fired the shots.

As the investigation progressed, all three subjects changed their account of the incident, and stated that they were never inside of Questions and only came to the area to cruise the area for females exiting the tavern.

While the officers had the van stopped, several of Questions' security guards approached the officers and inquired about the incident. The security officers were instructed to remain on the scene, but left before additional squads arrived on scene. No security guards were able to be interviewed as witnesses regarding this offense.

The applicant has an overdue fine in Milwaukee Municipal Court regarding item #16 that has been referred to collections. The fine for Case #06122560, Posting of Occupancy Capacity Required, \$650.00 is still due.

CONCLUSIONS OF LAW

1. The Committee has jurisdiction to hold hearings and provide Findings of Fact and Conclusions of Law and a Recommendation to the full Common Council pursuant to Chapter 125 of the Wisconsin Statutes and Chapter 90 of the Milwaukee Code of Ordinances.
2. Based upon the above facts found, the Committee concludes that the licensee, Devon L. Reid, Agent for Questions, Inc., who holds Class "B" Tavern and Tavern Amusement (Cabaret/Nite Club) licenses for the premises located at 3041 West North Avenue in the City and County of Milwaukee, Wisconsin ("Questions Entertainment"), has not met the criteria of Chapter 90 of the Milwaukee Code of Ordinances or Chapter 125 of the Wisconsin Statutes to allow renewal of his Class "B" Tavern and Tavern Amusement (Cabaret/Nite Club) licenses without undergoing a fifteen (15) day suspension of said licenses. The Committee finds the police report and the police testimony, as stated above, to be true.
3. In order to protect the health, safety and welfare of the citizens of the City of Milwaukee, it is the recommendation of the Licenses

Committee that the full Common Council of the City of Milwaukee should exercise its judgment to renew the Class "B" Tavern and Tavern Amusement (Cabaret/Nite Club) licenses of Devon L. Reid, agent for Questions, Inc., for the premises located at 3041 West North Avenue in the City and County of Milwaukee, Wisconsin ("Questions Entertainment "), with a fifteen (15) day suspension based upon the police report on file in this matter and the testimony of the Milwaukee Police Department and the alderman's office.

RECOMMENDATION

Based upon the Findings of Fact and Conclusions of Law stated above, the Committee, by a vote of five (5) ayes and zero (0) noes, recommends that the Class "B" Tavern and Tavern Amusement (Cabaret/Nite Club) licenses held by Devon L. Reid, agent for Questions, Inc., be renewed with a fifteen (15) day suspension.

Said suspension is to be in effect from 12:01 a.m., February 10, 2010, through midnight, February 24, 2010.

Dated and signed at Milwaukee, Wisconsin this 25th day of January, 2010.

A handwritten signature in black ink that reads "James A. BOHL Jr." The signature is written in a cursive, slightly stylized font.

JAMES A. BOHL, Jr., Chair
Licenses Committee